

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

NICOLE PAYNE
PLAINTIFF,

v.

PROGRESSIVE FINANCIAL SERVICES,
INC.,
DEFENDANT.

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Cause No. 4:12-CV-00432

**DEFENDANT PROGRESSIVE FINANCIAL SERVICES, INC.'S AMENDED MOTION
TO COMPEL DISCOVERY**

COMES NOW, Progressive Financial Services, Inc. (“Progressive”), Defendant herein, through counsel of record, and files its Motion to Compel Discovery and shows unto the Court as follows:

1. Progressive received Plaintiff’s initial discovery responses on November 13, 2012. Progressive’s counsel and Plaintiff’s counsel attempted to resolve discovery disputes regarding the responses.

2. Progressive filed its First Motion to Compel Discovery on January 29, 2013. Doc. 33.

3. This Court issued an Order in response to the Motion to Compel and instructed the parties to attempt to resolve the discovery disputes once more. Doc. 36. The Court further instructed Progressive to file by March 21, 2013 either a notice of resolution or an amended motion to compel discovery with the Court with the remaining discovery disputes. *Id.*

2. Progressive now files its Amended Motion to Compel Discovery. The unresolved discovery disputes are addressed in Progressive’s Brief and Appendix in support of its Amended Motion to Compel, filed according to Local Rule 7.1.

WHEREFORE, PREMISES CONSIDERED, Defendant Progressive Financial Services, Inc., respectfully requests this Motion be granted in its entirety and for such other relief, whether at law or in equity, to which Defendant may show itself justly entitled.

Respectfully submitted,

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COUNSEL FOR DEFENDANT

CERTIFICATE OF CONFERENCE

Progressive's counsel attempted to confer with Plaintiff's counsel repeatedly between March 11, 2013 to March 19, 2013 regarding this Court's Order (Doc. 36) to no avail. Def. App. 1-13. Progressive's counsel finally communicated with Plaintiff's counsel via telephone on March 20, 2012 where Plaintiff's counsel stated they have not been able to reach Plaintiff so they were unable to supplement discovery. Plaintiff's counsel further stated that they would likely be moving to withdraw as counsel for Plaintiff. Progressive is unopposed to Plaintiff's counsel's withdrawal. The same day Plaintiff's counsel conferred regarding moving to stay the proceedings for 60 days to which Progressive is opposed to.

/s/ Xerxes Martin
XERXES MARTIN

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been forwarded via ECF on this 21st day of March, 2013 to:

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/s/ Xerxes Martin
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